

REMARKS/ARGUMENTS

This present application has been carefully reviewed in light of the May 6, 2005 Office Action. On June 1, 2005, as previously indicated on Applicant's June 16, 2005 Interview Summary, Applicant, Applicant's attorney, the Examiner, Primary Examiner and Supervisor held a conference at the United States Patent and Trademark Office to discuss the above-identified application and the May 6, 2005 Office Action. On July 21, 2005, Applicant's attorney and the Examiner and his Supervisor held a telephone conference to further discuss the claim rejections. In response, Applicant has amended independent claims 1, 51, 59 and 64 to remove the "substantially the entire body of" recitation in each of these claims to obviate the §112 rejections. Applicant further provides the following argument in support of the patentability of the claims of the present invention, and respectfully requests reconsideration and reexamination of the application, as amended.

CLAIM REJECTIONS

In the May 6, 2005 Office Action, claims 6, 15, 54 and 65 were objected to, but indicated as allowable. The remaining pending claims 1, 3, 7-12, 14, 17-20, 51-53, 55-64, and 66-75 were rejected under 35 U.S.C. §103(a), as being unpatentable over either Imhof (U.S. Pat. No. 5,103,433) or Siegel et al. (U.S. Pat. No. 6,545,705) in view of Narayanaswami et al. (U.S. Pat. No. 6,504,571 B1), and further in view of Berlin et al. (U.S. Pat. No. 6,915,093) and further in view of one or more "Official Notices".

As described in previous responses, as well as explained in the June 1, 2005 Interview, Imhof and Siegel et al. are specifically related to photo-finish technology and photography. Both Imhof and Siegel et al. disclose methods which focus on a very narrow image window of the finish line. Many images are taken over a short time period. The purpose

of the Imhof and Siegel et al. patents is to record the precise time an athlete passes a location, typically a finish line, in order to establish a winner of a competitive event. Although these images can be reconstructed, they are distorted and only taken from the side or top of the athlete, and are not suitable for purchase and display as a memento or keepsake in the traditional "event photography" sense.

The photo-finish pictures of Imhof and Siegel et al. take place over the matter of seconds, and there is no need for an elaborate system for searching and retrieving such recorded images. Instead, the images are merely rewound or reconstructed and viewed to determine the placement of the finish of the athletes, and the exact time of finish for each participant. Thus, as admitted by the Examiner, neither Imhof nor Siegel disclose the saving and cataloging of the images in a database.

Narayanaswami et al., which teaches a method of cataloging and searching digital recorded images, was combined with either Imhof or Siegel et al. However, Narayanaswami et al. makes no mention of sporting event photography. Moreover, there is no motivation to combine Narayanaswami et al. and Siegel or Imhof absent Applicant's disclosure and improper hindsight reasoning. Furthermore, Narayanaswami et al. actually teaches away from the present invention. The present invention teaches the association of date and time with each digital image to achieve the novel features taught by the present invention and solves the heretofore cumbersome event photography constraints. Narayanaswami et al. in column 2, lines 20-25, teaches that "recording time and date with each image provides an insufficient number of parameters . . . for purposes of efficient database querying." Thus, Narayanaswami et al. actually teaches away from the present invention core premise, i.e., associating data and time with the digital images allowing efficient cataloging of images and overcoming heretofore cumbersome event photography constraints. This is a fatal flaw in the combination of the references in rejection of the presently pending claims.

Berlin et al. was cited for the proposition of teaching a web-site server and ordering goods or services through the web-site. However,

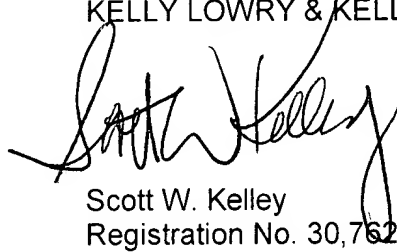
Berlin et al. specifically discloses a disc token purchased from a vendor for pre-paid access to the Internet. Berlin does not disclose whatsoever the purchasing of photographs, let alone sporting event photographs, over the Internet.

Moreover, none of the references associate identifying data with each photograph taken in the form of a number corresponding to a number worn by a participant, a participant's name, a code acquired from a component worn by a participant, or a date and time, including hour and minute the photograph was taken, and informing the sporting participants of this identifying data so that they can later access the server and search for a photograph utilizing the identifying data and subsequently inspect and order the photograph. Imhof and Siegel are the only references even generally related to sporting photography. However, in those patents, there is no need to inform the sporting participants of any identifying data. Instead, others, such as race officials, use the photo-finish technology of Siegel and Imhof to determine exact time and placement of the event participants. The Examiner's Official Notice that "it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to inform the participant of Imhof's sporting event of the official finish time" is completely unsupported. In the Office Action, it is specifically stated that neither Imhof, Siegel or Narayanaswami et al. explicitly teach the step of posting the identifying data associated with each photograph. Moreover, the Office Action states that Siegel does not explicitly disclose informing the sporting participants of the identifying data. Contrary to the assertions in the Office Action, this limitation is not inherent in any of these references, and is not supported by the Examiner's "Official Notices".

Accordingly, applicant respectfully asserts that the currently pending claims, as amended, are in condition for allowance as the rejection fails on many fronts. First, the references do not teach all of the claim limitations in the independent claims. Second, the references are improperly combined with one another as they are non-analogous, and only pertain to one another using improper hindsight reasoning. Thus, Applicant believes that all currently pending claims are in condition for allowance, notice of which notice of which is respectfully requested.

Respectfully submitted,

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